

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION
OF THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX REFUND
SCHEME LITIGATION

MASTER DOCKET

18-md-2865 (LAK)

This document relates to case nos.: 18-cv-04051;
18-cv-09840; 18-cv-09841; 18-cv-10098;
19-cv-01812; 19-cv-01866; 19-cv-01898.

**NOTICE OF PLAINTIFF SKATTEFORVALTNINGEN'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated April 29, 2022, the Joint Rule 56.1 Statement of Undisputed Material Facts in Support of Motions for Summary Judgement, dated April 22, 2022 [No. 18-md-2865, ECF No. 790], Plaintiff Skatteforvaltningen's Supplemental Local Rule 56.1 Statement of Undisputed Material Facts in Support of its Motion for Partial Summary Judgment, dated April 29, 2022, and the Declaration of Marc A. Weinstein, dated April 29, 2022, with all exhibits thereto, plaintiff Skatteforvaltningen, by its undersigned attorneys, will move the Court before the Honorable Lewis A. Kaplan at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 21B, at a date and time to be determined by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting it partial summary judgment (i) in the case captioned *Skatteforvaltningen v. RJM Capital Pension Plan, et al.*, No. 19-cv-01898, on its money had and received claims against defendants RJM Capital Pension Plan and Richard Markowitz, with prejudgment interest, and the false statement of material fact element of its fraud and negligent misrepresentation claims; (ii) in the case captioned

Skatteforvaltningen v. Basalt Ventures LLC Roth 401(k) Plan, et al., No. 19-cv-01866, on its money had and received claims against defendants Basalt Ventures LLC Roth 401(k) Plan and John van Merkensteijn, with prejudgment interest, and the false statement of material fact element of its fraud and negligent misrepresentation claims; (iii) in the case captioned *Skatteforvaltningen v. Roadcraft Technologies LLC Roth 401(k) Plan, et al.*, on its money had and received claims against defendants Roadcraft Technologies LLC Roth 401(k) Plan, Ronald Altbach, Robert Klugman, Richard Markowitz, RAK Investment Trust, and Routt Capital Trust, with prejudgment interest, and the false statement of material fact element of its fraud and negligent misrepresentation claims; (iv) in the case captioned *Skatteforvaltningen v. The FWC Capital LLC Pension Plan, et al.*, No. 18-cv-10098, on its unjust enrichment claims against defendants The FWC Capital LLC Pension Plan and Roger Lehman, with prejudgment interest, and the false statement of material fact element of its fraud and negligent misrepresentation claims; (v) in the case captioned *Skatteforvaltningen v. The Proper Pacific LLC 401K Plan, et al.*, No. 18-cv-04051, on its money had and received claims against defendants The Proper Pacific LLC 401K Plan and Doston Bradley, with prejudgment interest, and the false statement of material fact element of its fraud and negligent misrepresentation claims; (vi) in the case captioned *Skatteforvaltningen v. American Investment Group of New York, L.P. Pension Plan, et al.*, No. 18-cv-09841, on its money had and received claims against defendants American Investment Group of New York, L.P. Pension Plan, Robert Crema, and Acer Investment Group, LLC, with prejudgment interest, and the false statement of material fact element of its fraud and negligent misrepresentation claims; and (vii) in the case captioned *Skatteforvaltningen v. Riverside Associates Defined Benefit Plan, et al.*, No. 18-cv-09840, on its money had and received claims against defendants Riverside Associates Defined Benefit Plan, David Schulman,

and Acer Investment Group, LLC, with prejudgment interest, and the false statement of material fact element of its fraud and negligent misrepresentation claim; and for such other and further relief as the Court deems just and proper. Plaintiff Skatteforvaltningen respectfully requests that the Court hold oral argument regarding this motion.

Dated: New York, New York
April 29, 2022

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